

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK

PAUL AHERN and NEXT DECADE  
ENTERTAINMENT, INC.,

Plaintiffs,

against

C.A. No. 13-1812 (LTS)

DONALD THOMAS SCHOLZ,

Defendant.

## DECLARATION OF DONALD THOMAS SCHOLZ

STATE OF MASSACHUSETTS

SS:

COUNTY OF MIDDLESEX

Donald Thomas Scholz, under penalty of perjury and pursuant to 28 U.S.C. § 1746,  
hereby declares as follows:

1. I am the defendant and plaintiff-in-counterclaim in the above-captioned action. I respectfully offer this Declaration pursuant to Local Civil Rule 1.4 in order to effect, with the Court's approval, the substitution of Rosenberg & Giger P.C. ("R&G") as my attorneys of record in this action in place of the law firm of Bose McKinney & Evans LLP ("BM&E").

2. The averments set forth in this Declaration are based on my personal knowledge of and involvement in the matters recited.

3. BM&E is located in Indianapolis, Indiana. As R&G is based in New York, New York, the City and State where this action was filed, I have elected to proceed with R&G as my attorneys of record in this action. It is my understanding that, on or about April 30, 2013, R&G, with my knowledge and consent, filed notices of appearance as my counsel in this action.

I declare under penalty of perjury that the foregoing is true and correct. Executed on  
August 30, 2013.

A handwritten signature in dark ink, appearing to read 'D. Scholz', is written over a horizontal line.

Donald Thomas Scholz